United Nations A/HRC/28/L.21/Rev.1

General Assembly

Distr.: Limited
25 March 2015

Original: English

Human Rights Council
Twenty-eighth session
Agenda item 4
Human rights situations that require the Council's attention

Albania, Andorra,* Australia,* Austria,* Belgium,* Bosnia and Herzegovina,* Bulgaria,* Croatia,* Cyprus,* Czech Republic,* Denmark,* Estonia, Finland,* France, Georgia,* Germany, Greece,* Hungary,* Iceland,* Ireland, Italy,* Latvia, Liechtenstein,* Lithuania,* Luxembourg,* Malta,* Monaco,* Montenegro, Netherlands, Poland,* Portugal, Republic of Moldova,* Romania,* San Marino,* Slovakia,* Slovenia,* Spain,* Sweden,* the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

28/... Situation of human rights in Myanmar

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, and reaffirming previous resolutions on the situation of human rights in Myanmar, the most recent being Human Rights Council resolution 25/26 of 28 March 2014 and General Assembly resolution 69/248 of 29 December 2014, and President's statement PRST/23/1 of 14 June 2013,

Welcoming the work and reports of the Special Rapporteur on the situation of human rights in Myanmar, as well as the cooperation of the Government of Myanmar with the Special Rapporteur, including the facilitation of her visits to the country from 17 to 26 July 2014 and 7 to 16 January 2015,

Recalling Human Rights Council resolution 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

1. *Welcomes* the positive developments in Myanmar and the commitment of the Government of Myanmar to continue on its path of political, economic and democratic reform, encourages its continued efforts towards national reconciliation and the promotion and protection of human rights, and, while recognizing the scale of the reform effort undertaken to date, encourages the Government to take further steps to consolidate the progress made and address outstanding issues;

2. *Also welcomes* the continued engagement of the Government of Myanmar with political actors within the Parliament and the opposition parties, urges the Government to continue constitutional reform and to ensure that the constitutional referendum and the elections to be held in 2015 and beyond are credible, inclusive and transparent, ensuring equal opportunity for the representation and participation of women as candidates and voters and that all the people of Myanmar are able to cast their vote, allowing all candidates to fairly contest and the international community to monitor the elections, and ensuring that the democratic transition of Myanmar is sustained by bringing all national institutions, including the military, under a democratically elected, fully representative civilian government;

3. *Recalls* the earlier release of prisoners of conscience, stresses the important role played by the Committee for Scrutinizing the Remaining Prisoners of Conscience, encourages the continuation of the work of the newly constituted Prisoners of Conscience Affairs Committee and the incorporation of broader representation from the political prisoners' community, and urges the Government of Myanmar to fulfil its commitment to the unconditional release of all remaining political prisoners, including all political activists, journalists, human rights defenders and peaceful protesters recently detained or convicted, and to provide for the full rehabilitation of former prisoners of conscience;

4 *Calls upon* the Government of Myanmar to implement its obligations to protect the right to freedom of expression, association and peaceful assembly, to allow for free and independent media and to take appropriate steps to ensure the safety and security of journalists, civil society activists and human rights defenders and their freedom to pursue their activities, and to maintain particular vigilance to ensure that these freedoms, as well as the operating space for civil society, are fully protected in the approach to the elections;

5. *Encourages* the Government of Myanmar to ensure that the National Human Rights Commission is able to discharge its functions fully and in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

6. *Urges* the Government of Myanmar to step up its efforts to end all remaining human rights violations and abuses, including arbitrary arrest and detention, forced displacement, rape and other forms of sexual violence, torture and cruel, inhuman and degrading treatment or punishment, arbitrary deprivation of property, including land, and violations of international humanitarian law in some parts of the country, and repeats its call upon the Government to take necessary measures to ensure accountability and end impunity;

7. *Encourages* the Government of Myanmar to take further steps to strengthen good governance and the rule of law, welcomes the ongoing efforts aimed at reviewing and reforming legislation, including the Constitution, stresses the need for and relevance of such reforms, recalls the importance of ensuring their compatibility with international standards and democratic principles, and calls upon the Government and political actors to continue legal reform, to address the need for an independent, impartial and effective judiciary, and for an independent and self-governing professional organization of lawyers, and to consider ratifying additional international instruments, including international human rights conventions, and incorporating them into national legislation;

8. *Urges* the Government of Myanmar to accelerate its efforts to address discrimination, human rights violations, incitement to violence, acts of violence, displacement and economic deprivation affecting members of ethnic and religious minorities, to take all measures necessary to prevent attacks against Muslims and members of other minorities and to hold actors who incite and commit violence accountable, calls upon the Government to ensure the right to vote, freedom of movement and equal access to

services, including health and education, and also calls upon the Government to ensure that any legislation on the protection of race and religion is consistent with the transition towards national reconciliation and an open democratic society, and fully consistent with international human rights treaties to which Myanmar is a party;

9. *Expresses concern* at the increase in nationalist-based intolerance of religious and ethnic minorities, as well as of the United Nations and other international organizations, urges the Government of Myanmar and political leaders to publicly condemn such discourse, and calls upon the Government to take all necessary and appropriate action, in conformity with its international human rights obligations, to combat violence;

10. *Reiterates its serious concern* about the situation of persons belonging to the Rohingya minority and other minorities in Rakhine State, including further instances of violence and other abuses that have led all communities to suffer tremendous trauma, and about reports in the past year of attacks against and abuses of Muslim minorities elsewhere in the country and about intimidation of and threats to the United Nations and other humanitarian workers operating in Rakhine State, and calls upon the Government of Myanmar to protect all civilians from violence, to allow for self-identification, to ensure full respect for human rights and fundamental freedoms, and rapid and unimpeded access to humanitarian assistance without discrimination across Rakhine State and the safe and voluntary return of internally displaced persons to their communities of origin, and to allow freedom of movement for all persons belonging to the Rohingya minority;

11. *Expresses concern* at the declaration of the Government of Myanmar that all white card identity documents would expire on 31 March 2015, which will deny persons belonging to the Rohingya minority any form of identification and the right to vote, and calls upon the Government to issue identity documents for all current white card holders, without discrimination, and including all persons belonging to the Rohingya minority, to ensure equal access to full citizenship and related rights, and, while welcoming some measures taken by the Government, encourages it, as well as political and civil society leaders, to facilitate interfaith and intercommunity dialogue, including in Rakhine State, and to undertake full, transparent and independent investigations into all reports of human rights violations and abuses, to address the root causes, to ensure accountability and to bring about reconciliation;

12. *Encourages* continued efforts towards a durable nationwide ceasefire with ethnic armed groups and towards an all-inclusive political dialogue leading to comprehensive political solutions, emphasizes the importance of the full, equal and effective participation of women, particularly from communities affected by conflict, in all activities related to the prevention and resolution of armed conflict, the maintenance of peace and security and post-conflict peacebuilding, with the objective of achieving lasting peace; expresses concern at the declaration of a state of emergency and the imposition of martial law in the Kokang self-administered zone and at the increased fighting in Shan and Kachin States; and urges the full implementation of existing ceasefire agreements, including for all parties, to protect the civilian population against violations and abuses of human rights and violations of international humanitarian law and for safe, timely, rapid and unimpeded humanitarian access to be granted to all areas;

13. *Welcomes* the continued engagement and continued cooperation of the Government of Myanmar with the United Nations, including the Special Representative of the Secretary-General for Children and Armed Conflict, the United Nations Country Task Force on Monitoring and Reporting, co-chaired by the United Nations Children's Fund and the Resident Coordinator for the United Nations, the International Labour Organization and other international actors, and the progress made towards ending the recruitment and use of child soldiers in Myanmar and the elimination of forced labour, including the Government's continued commitment to the joint action plan with the Country Task Force

on Monitoring and Reporting to end and prevent the recruitment and use of children by the armed forces, and encourages its full implementation and also the implementation of other relevant agreements, including the commitment to end forced labour by 2015;

14. *Expresses concern* at further delays, while recalling the commitment of the Government of Myanmar to open a country office of the Office of the United Nations High Commissioner for Human Rights, notes the ongoing negotiations and calls upon the Government to promptly establish the office with a full mandate, to specify a process for the opening of the office in accordance with the mandate of the High Commissioner, and to cooperate with other United Nations actors in the country;

15. *Encourages* the international community to continue to support the Government of Myanmar in the fulfilment of its international human rights obligations and commitments, the implementation of its democratic transitional process and its economic and social development, and calls upon all business enterprises to meet their responsibility to respect human rights in accordance with the Guiding Principles on Business and Human Rights;

16. *Decides* to extend for one year the mandate of the Special Rapporteur on the situation of human rights in Myanmar in accordance with the relevant resolutions of the Commission on Human Rights and Human Rights Council resolutions 7/32 of 28 March 2008, 10/2 of 27 March 2009, 13/25 of 26 March 2010, 16/24 of 25 March 2011, 19/21 of 23 March 2012, 22/14 of 21 March 2013 and 25/26, and invites the Special Rapporteur to include in his or her next report, inter alia, further recommendations on the needs of Myanmar, including with regard to technical assistance and capacity-building, and information on the progress in the electoral process and reform in the run-up to the 2015 elections as well as in the post-electoral period;

17. *Calls upon* the Government of Myanmar to continue its cooperation with the Special Rapporteur in the exercise of the mandate, including by facilitating further visits and, while recognizing the cooperation of the Government with the Special Rapporteur, calls upon the Office of the High Commissioner to provide the Special Rapporteur with all the assistance and resources necessary to enable her to discharge the mandate fully;

18. *Requests* the Special Rapporteur to submit a progress report to the General Assembly at its seventieth session and to the Human Rights Council in accordance with its annual programme of work;

19. *Expresses its strong support* for the good offices mission and commitment of the Secretary-General, and calls upon the Government of Myanmar to ensure full cooperation with the Secretary-General and his Special Adviser on Myanmar.